

County Issues Workgroup

CONSENSUS ITEM

ITEM NO: 8

Version Date: January 7, 2002

ITEM TITLE: Principal Purpose of County Social Service Programs

Premise

The principal purpose of social service programs operated by county government excludes them as a health plan under HIPAA.

Reasoning

Counties operate programs with the mission to protect children and vulnerable adults from abuse, neglect and exploitation. Counties also deliver supportive services that allow individuals to remain in their home. Supportive services include assistance with daily living activities such as laundry, house cleaning, shopping, cooking, and bathing; and paramedical services such as catheter care, insulin shots, and home dialysis. Such programs do not have the principal purpose of health care provision or payment.

HIPAA Privacy Rule section 160.103, regulation text, defines a health plan and lists specific plans included in the definition in paragraph (1)(i)-(xvi). The definition excludes government funded programs (other than those specifically included) "Whose principal purpose is other than providing, or paying the cost of, health care", paragraph (2)(ii)(A).

HIPAA Privacy Rule section 160.103, preamble, page 11 of 177, adds the following clarification. "Government funded programs that do not have as their principal purpose the provision of, or payment for, the cost of health care but which do incidentally provide such services are not health plans..."

Therefore we conclude that county operated welfare, protective service, supportive service and other social service programs are generally excluded from the definition of a health plan.

Implications

The social service programs are not subject to the HIPAA regulations imposed on health plans. For a discussion of their role as a health care provider and covered entity under HIPAA, refer to Consensus Item #9.

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ITEM CHRONOLOGY

Workgroup Draft: 12/27/2001 Workgroup Approved: 01/07/2002

Approved Revisions: _____, _____, _____

SUPPLEMENTAL MATERIALS

Links to supporting legal and content expert opinions.